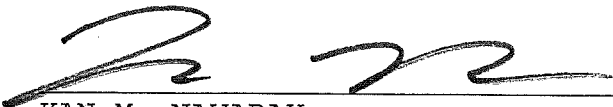


Approved:


KAN M. NAWADAY

Assistant United States Attorney

Before:

THE HONORABLE SARAH NETBURN
United States Magistrate Judge
Southern District of New York

13 MAG 1323

- - - - - x
UNITED STATES OF AMERICA

: SEALED COMPLAINT

- v. -

: Violation of
18 U.S.C. § 1952

SAMUEL L. WHITESIDE,

:

a/k/a "Sammy,"

County of Offense:

a/k/a "Aura,"

:

Bronx

Defendant.

:

- - - - - x
SOUTHERN DISTRICT OF NEW YORK, ss.:

JOSEPH DOWNS, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

1. From at least on or about June 4, 2012, up to and including on or about June 5, 2012, in the Southern District of New York and elsewhere, SAMUEL L. WHITESIDE, a/k/a "Sammy," a/k/a "Aura," the defendant, knowingly traveled in interstate and foreign commerce and used the mails and any facility in interstate and foreign commerce, with intent to commit a crime of violence to further an unlawful activity, namely, an unlawful activity involving prostitution offenses in violation of the laws of the State of New York and the State of Massachusetts, and thereafter did perform an act described in Title 18, United States Code, Section 1952(a)(2), to wit, WHITESIDE traveled from Massachusetts and Rhode Island to the vicinity of East 241st Street, Bronx, New York, where WHITESIDE attacked and stabbed

Anthony Martino to further his prostitution business, which attack and stabbing resulted in the death of Martino.

(Title 18, United States Code, Sections 1952(a)(2) and (a)(3)(B) and 2.)

The bases for my knowledge and the foregoing charges are, in part, as follows:

1. I am a Special Agent with the FBI, and I have been personally involved in the investigation of this matter. This affidavit is based in part upon my conversations with other law-enforcement agents and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

2. Based on my discussions with a New York City Police Department ("NYPD") homicide detective ("Detective-1") and my review of NYPD reports relating to the June 5, 2012 homicide of Anthony Martino (the "Victim"), I have learned the following in substance and relevant part:

a. In the early morning of June 5, 2012, NYPD officers responded to a 911 call reporting that an individual had multiple wounds in a hotel room at the Metro Motel located at 691 East 241st Street in the Bronx, New York (the "Metro Motel").

b. Responding NYPD officers arrived at the Metro Motel at approximately 3:31 a.m. and found the Victim in Room 18 of the Metro Motel ("Room 18") bleeding from what appeared to be stab wounds to his neck.

c. Emergency Medical Services personnel took the Victim to the hospital where the Victim was pronounced dead.

d. The coroner's report concluded that the cause of death was a homicide and that the Victim died of stab wounds to the neck.

3. Based on my discussions with an individual ("Witness-1"), I have learned, in substance and relevant part, the following:

a. From on or about the late evening of June 4, 2012, through on or about the early morning of June 5, 2012, Witness-1 was in a hotel room at the Metro Motel.

b. Witness-1 was with the Victim who Witness-1 knew as "JJ" or "Jim Jones." Witness-1 knew the Victim for approximately one month and knew him as a Boston area pimp who operated in the Bronx, New York and elsewhere.

c. During the course of the evening, Witness-1 overheard the Victim on at least one telephone call with an individual who Witness-1 knew as "Aura." Witness-1 knew Aura as a pimp who was from the Boston area of Massachusetts.

d. Witness-1 relayed that during the course of the telephone conversation between the Victim and Aura, the Victim and Aura had an argument relating to their respective prostitution businesses. Specifically, the Victim and Aura had a dispute about a prostitute who had "belonged" to Aura and been traded and sold by Aura. Aura was angry and believed that the Victim owed Aura \$1,500 or \$2,000 for that prostitute who had been traded and sold.

e. Witness-1 relayed that the argument became heated and ended with the Victim telling Aura, in substance, that if Aura wanted to settle the dispute about the prostitute who had been traded and sold, that Aura could come settle the dispute in person. Witness-1 then heard the Victim give Aura the address of the Metro Motel.

f. Witness-1 then left Room 18. Later that morning, when Witness-1 returned to Room 18, Witness-1 learned that the Victim had been attacked and stabbed.

g. In or about February 2013, Witness-1 was shown a series of photographs, one of which was a photograph of SAMUEL L. WHITESIDE, a/k/a "Sammy," a/k/a "Aura," the defendant. Witness-1 identified the photograph of WHITESIDE as the individual who Witness-1 knew as Aura, who had the dispute with the Victim described above.

4. Based on my training and experience in investigating prostitution and human trafficking cases, as well

as my familiarity with this investigation, I have learned that pimps who operate prostitution businesses often sell or trade prostitutes among each other in exchange for money. This practice is referred to as "trading" or "selling."

5. Based on my discussions with an individual ("Witness-2"), I have learned, in substance and relevant part, the following:

a. Witness-2 was at the Metro Motel in the early morning of June 5, 2012.

b. In the early morning hours of June 5, 2012, between 3:25 a.m. and 3:28 a.m., Witness-2 saw an individual leaving Room 18, the room in which the Victim was later found.

c. The individual who Witness-2 saw leaving Room 18 had blood on his hands and forearm and was carrying what appeared to be a knife.

d. In or about February 2013, I and another FBI agent ("Agent-1") showed Witness-2 an array of six photographs, one of which was a photograph of SAMUEL L. WHITESIDE, a/k/a "Sammy," a/k/a "Aura," the defendant. Witness-2 identified the photograph of WHITESIDE as the individual who Witness-2 saw leaving Room 18 with the bloodied hands and forearm, and the knife.

6. I have reviewed a recording of video surveillance from the Metro Motel from the time period of the early morning hours of June 5, 2012. Based on that review I have learned that an individual fitting the description of SAMUEL L. WHITESIDE, a/k/a "Sammy," a/k/a "Aura," the defendant, given by Witness-2, was entering the Metro Motel at approximately 3:14 a.m., and was speaking on what appeared to be a cellular telephone.

7. Based on my discussions with NYPD detectives involved in the investigation of the murder of the Victim, and with Agent-1, and my review of certain telephone records described below, I have learned the following, in substance and relevant part:

a. Investigating law enforcement agents recovered the cellular telephone of the Victim in Room 18 (the "Victim Phone") and were able to identify the telephone number of the Victim Phone.

b. In reviewing the telephone records of the Victim Phone, Detective-1 identified a cellular telephone number with a Massachusetts area code ("Phone-1") that was in contact with the Victim Phone in the hours leading up to the murder of the Victim.

c. Cellsite location information of Phone-1 shows that on June 4, 2012, Phone-1 was in Dorchester, Massachusetts. For example, at or about 8:00 p.m. of June 4, 2012, Phone-1 was in the vicinity of a residence in Dorchester, Massachusetts, which has been identified through public database records as the residence of the mother of SAMUEL L. WHITESIDE, a/k/a "Sammy," a/k/a "Aura," the defendant.

d. The first telephone contact between the Victim Phone and Phone-1 occurred at approximately 10:21 p.m. on June 4, 2012. Cellsite location information of Phone-1 shows that at or around that time Phone-1 was located in the vicinity of Providence, Rhode Island.

e. After that first telephone contact, additional telephone calls occurred between Phone-1 and the Victim Phone from the late evening of June 4, 2012, through the early morning hours of June 5, 2012. Telephone records show that at approximately 3:14 a.m. of June 5, 2013, Phone-1 contacted the Victim Phone. Cellsite location information for Phone-1 shows that at the time of this 3:14 a.m. telephone call, Phone-1 was in the vicinity of East 241st Street and White Plains Road, in the Bronx, New York, which is in the vicinity of the Metro Motel.

f. Telephone records show that during June 2012, Phone-1 was subscribed to an individual ("Individual-1").

g. Telephone records show that during June 2012, Individual-1 also subscribed to another cellular telephone ("Phone-2").

8. Based on my discussions with an individual ("Witness-3"), I have learned in substance and in relevant part, the following:

a. Witness-3 was a prostitute who worked for SAMUEL WHITESIDE, a/k/a "Sammy," a/k/a "Aura," the defendant, in Massachusetts, among other places, in the Spring of 2012. Witness-3 identified Individual-1 as a prostitute who worked for WHITESIDE as a prostitute and as a manager of WHITESIDE's other

prostitutes, during the time that Witness-3 worked for WHITESIDE.

b. WHITESIDE was Witness-3's "pimp," meaning he controlled Witness-3's activities, including prostitution activities, provided for Witness-3's transportation to and from prostitution clients, and took all the proceeds from Witness-3's prostitution activities, except for nominal amounts for Witness-3's food and clothing.

9. Based on my discussions with Agent-1, I have learned, in substance and relevant part, that Agent-1 has reviewed postings on the website called "Backpage.com." Based on that review, Agent-1 located a posting on "Backpage.com" by Individual-1, which was dated the early morning of June 5, 2012, and which stated, in substance and relevant part, that it was Individual-1's last night in town at a motel in East Brunswick, New Jersey (the "East Brunswick Motel").

10. Based on my training and experience in investigating prostitution and human trafficking cases, I know that "Backpage.com" is used by pimps and prostitutes as a means to advertise where - and in particular which hotel - a prostitute will be located, and at what times, in order to alert potential clients of the prostitute's availability.

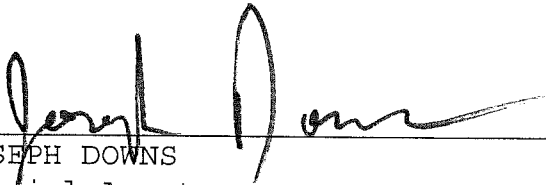
11. Based on my training and experience in investigating prostitution and human trafficking offenses, and my review of the prostitution laws of Massachusetts and New York State, I know that the activities in which SAMUEL L. WHITESIDE, a/k/a "Sammy," a/k/a "Aura," the defendant, engaged as described by Witness-1 and Witness-3 above, are prostitution offenses in those states.

12. Telephone records show that on the evening of June 4, 2012 through the early morning of June 5, 2012, Phone-1 and Phone-2 were in contact. Cellsite location information of Phone-1 shows that after the approximate time of the Victim's murder at the Metro Motel, Phone-1's location moved from the vicinity of the Metro Motel, in the Bronx, New York, to the vicinity of the East Brunswick Motel. Specifically, a telephone call made or received by Phone-1 at approximately 4:58 a.m. on June 5, 2012, shows that Phone-1 was in the vicinity of the East Brunswick Motel at approximately that time.


13. Cellsite location information of Phone-1 shows that several hours later Phone-1 traveled north, arriving in Massachusetts in the afternoon of June 5, 2012.

14. Based on the facts set forth in paragraphs 6 through 13, I believe there is probable cause to believe that Phone-1 was being used by SAMUEL L. WHITESIDE, a/k/a "Sammy," a/k/a "Aura," the defendant, on June 4, 2012 and June 5, 2012, and further that WHITESIDE traveled from Massachusetts and Rhode Island to the Metro Motel from on or about June 4, 2012 to on or about June 5, 2012. In particular, (i) based on my training and experience in investigating prostitution and human trafficking offenses, I know that pimps often use the cellular telephones of the prostitutes who work for them and do not use cellular telephones subscribed to in their own names; (ii) Phone-1 and Phone-2 were in contact with each other on June 4 and June 5, 2012, indicating that they were in different places during those contacts; and (iii) Phone-1 was in contact with the Victim's phone during June 4 and June 5, 2012, and made a call to the Victim's Phone at approximately 3:14 a.m., at or around the time WHITESIDE is seen on the video surveillance recording entering the Metro Motel while speaking on a cellular telephone.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of SAMUEL L. WHITESIDE, a/k/a "Sammy," a/k/a "Aura," the defendant, and that he thereafter be imprisoned or bailed, as the case may be.


JOSEPH DOWNS
Special Agent
Federal Bureau of Investigation

Sworn to before me this
20th day of May, 2013


THE HONORABLE SARAH NETBRUN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK